

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

Translation

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

See form PCT/ISA/210

Applicant's or agent's file reference

203-116PWOFG

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/006709

International filing date (day/month/year)

22.06.2004

Priority date (day/month/year)

18.09.2003

International Patent Classification (IPC) or both national classification and IPC

B60G17/052

Applicant

CONTINENTAL AKTIENGESELLSCHAFT

1. This opinion contains indications relating to the following items:



Box No. I

Basis of the opinion



Box No. II

Priority



Box No. III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



Box No. IV

Lack of unity of invention



Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement



Box No. VI

Certain documents cited



Box No. VII

Certain defects in the international application



Box No. VIII

Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. II

Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-14</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-14</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-14</u>	YES
	Claims _____	NO

2. Citations and explanations:

Prior art:

The previously published document (D1) DE 101 22 567 C which is cited in the application and in the search report is to be considered the relevant prior art. It shows a method for regulating the amount of air in a level regulating system in accordance with the preamble of claim 1.

Difference from the prior art:

Claim 1 of the present application differs from the prior art in that different air-amount intervals are used for the regulation of the amount of air depending on the operating state.

Objective problem:

A regulating method for a level regulating system is to be provided, which rarely regulates in one operating state (and therefore saves energy) and nevertheless makes rapid height changes possible of the vehicle with respect to the roadway in a second operating state.

Reasons for the positive expert opinion:

The method of the present application (claim 1) is novel

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
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(PCT Article 33(2)), see above, and is inventive (PCT Article 33(3)), because the cited documents give no indication of solving the above problem by introducing different air-amount intervals which are used for regulation on a case-by-case basis. The level regulating system according to claim 14 for implementing the method according to the invention as per claim 1 is therefore likewise to be considered novel and inventive. Dependent claims 2 to 13 relate to further embodiments of the invention.

Industrial applicability:

The subject matter of the present application is industrially applicable pursuant to PCT Article 33(4), as it is used in the vehicle industry.